

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of) MB Docket No. 14-82
)
PATRICK SULLIVAN) FRN 0003749041, 0006119796,
(Assignor)) 0006149843, 0017196064
)
and) Facility ID No. 146162
)
LAKE BROADCASTING, INC.) File No BALFT-20120523ABY
(Assignee))
)
Application for Consent to Assignment of)
License of FM Translator Station W238CE,)
Montgomery, Alabama)

To: Marlene H. Dortch, Secretary
Attention: Chief Administrative Law Judge Richard L. Sippel

**LAKE BROADCASTING, INC.'S MOTION TO
STRIKE ENFORCEMENT BUREAU'S MOTION
CONCERNING EXPERT WITNESS
DOCUMENTATION, WITH LEAVE TO REFILE,
or OPPOSITION TO MOTION FOR STAY**

Lake Broadcasting, Inc. ("Lake"), by its attorney, pursuant to Section 1.294 of the Commission's Rules, hereby moves to strike the Enforcement Bureau's ("Bureau") "Motion Concerning Expert Witness Documentation" ("Motion") as scurrilous, unsupported, and diversionary, and asks the Presiding Judge to order the Bureau to refile a reformed pleading or to deny outright the Bureau's motion to stay this proceeding. In support whereof, the following is shown.

1. By Order, FCC 16M-34, released December 2, 2016, the Presiding Judge acceded to the Bureau's inability to obtain its witness Tammy Gremminger's

cooperation in this proceeding, and extended the deadline for supplying witness documentation to December 15. Now, in its latest Motion, the Bureau requests an open-ended stay of this proceeding while the Missouri Department of Corrections carries out an alleged investigation concerning Ms. Gremminger. In the meantime, there is no indication when Ms. Gremminger's documentation will be supplied, or whether it even exists.

2. Lake submits that the Motion is scurrilous, unsupported, and diversionary. At minimum, the Bureau should be ordered to refile it in legally acceptable form, or its stay request should be denied outright. Paragraph 2 of the Motion contains a tale of alleged witness intimidation ("someone claiming to represent Mr. Rice had threatened to pursue legal action against Ms. Gremminger if she continued to participate in the Commission's hearing process"), which lacks all of the specifics necessary to give the tale any credence and which also diverts attention away from the question of the existence *vel non* of Ms. Gremminger's alleged documentation. We are not told when the Bureau learned of the alleged intimidation; who told the Bureau about it (a "colleague" is not enough); the identity of the alleged intimidator; when the alleged intimidation occurred; when Ms. Gremminger contacted legal counsel at the Department of Corrections and was instructed to have no further contact with the Bureau until the Department of Corrections completes its investigation; who told her to cease contact with Bureau; who is conducting the investigation at the Department of Corrections; when did the investigation begin; and when is it expected to conclude. Moreover, there is no

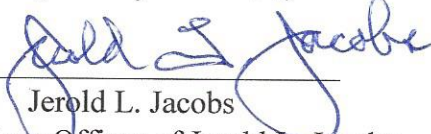
explanation for why the alleged reason for Ms. Gremminger's non-cooperation with the Bureau for the last 40 days was not communicated to the Bureau until now.

3. Absent this information, Lake urges that the tale should be dismissed as a fabrication and the Bureau should be chided for its complicity. In addition, the following sentence from Paragraph 3 of the Motion should be stricken from the pleading as gratuitous, intimidating to Lake, and prejudicial:

[I]f Mr. Rice, or someone associated with him (at his direction), has threatened a Bureau witness, it raises additional concerns about his qualifications to hold a Commission license and may necessitate re-opening the discovery period for the Bureau to conduct a thorough investigation.

WHEREFORE, in view of the foregoing, Lake Broadcasting, Inc. respectfully asks that the Bureau's Motion should be stricken with leave to refile in proper form, or the requested stay should be denied outright.

Respectfully submitted,



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Counsel for Lake Broadcasting, Inc.

Dated: December 13, 2016

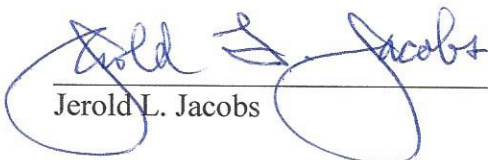
CERTIFICATE OF SERVICE

I, Jerold L. Jacobs, hereby certify that on this 13th day of December, 2016, I filed the foregoing "LAKE BROADCASTING, INC.'S MOTION TO STRIKE ENFORCEMENT BUREAU'S MOTION CONCERNING EXPERT WITNESS DOCUMENTATION, WITH LEAVE TO REFILE, or OPPOSITION TO MOTION FOR STAY" in ECFS and caused a copy to be sent via First Class United States Mail and via e-mail to the following:

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